

LIQUOR ADVISORY BOARD
Tuesday March 15, 2011
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members:

Alicia Neubauer
Aaron Magdziarz
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Julio Salgado

Staff:

Jennifer Caccipaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Mark Marinaro, Fire Dept
Marcy Leach – Public Works

Others:

Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representatives are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any supporters and then objectors. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, March 28, 2011, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and that her phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting is listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the February 15, 2011 meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Julio Salgado absent.

11-LAB-001

Applicant
Ward 03

420 East State Street

Devane Vandala

Sale of Liquor by the drink in conjunction with a sit down restaurant and outdoor patio in a C-4, Urban Mixed-Use Zoning District

The applicant is requesting the sale of liquor by the drink in conjunction with a sit down restaurant and outdoor patio in a C-4, Urban Mixed-Use Zoning District. The property is located 85 feet west of North Second Street and East State Street intersection. Deuane Vandala, Fred Sabet were present. Mr. Sabet, property owner, introduced Mr. Vandala as the potential operator of the business. This location will be a franchise of Kuma's. No change in venue, hours, or operation. A rental and lease agreement will each be in effect. In addition to the lease agreement, there will be a franchise agreement that will designate hours of operation, menu and quality of service.

No questions from Legal staff were made. Scott Sanders asked if the basement would be part of this lease agreement. Mr. Sabet stated at this point it is too complicated for a new operator. He does not anticipate doing catered events in the basement. The focus will be running the restaurant with liquor sales. Mr. Sabet verified that he will remain involved with the operation of this business. He added that the sidewalk café will remain as is.

The staff recommendation was for approval with five conditions. No interested parties or objectors were present.

A **MOTION** was made by Craig Sockwell to **Approve** the item. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 6-0 subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The sale of alcoholic beverages shall be in conjunction with a restaurant.
4. The hours of operation will be limited to 11:00 a.m. to 9:00 p.m. Monday through Thursday.
5. The hours of operation will be limited to 11:00 a.m. to 9:30 p.m. Friday through Saturday.

11-LAB-002

Applicant
Ward 09

3135 North Rockton Avenue

Muhammad Fyaz

Sale of Packaged liquor in conjunction with a gas station in a C-2, Limited Commercial District

The applicant is requesting sale of packaged liquor in conjunction with a gas station and convenience store in a C-2, Limited Commercial District. The subject property is located on the northeast corner of North Rockton Avenue and Paradise Boulevard intersection. Muhammad Fyaz, Applicant, reviewed his application. He explained that a lot of people from the neighborhood have requested the convenience of purchasing packaged liquor.

Attorney Cacciapaglia asked the owner if he was across from Logli's and a couple of blocks from another store who sold liquor and he stated he was. Attorney Cacciapaglia stated she stands by Staff's recommendation of denial.

Ms. Dibenedetto asked the application if he sold alcohol at any other location and he stated his history is in New York. Mr. Cagnoni clarified that in 2004 there was a SUP request for the sale of liquor and it was denied by City Council. Directly to the east is residential use.

The staff recommendation was for denial. Objectors were present.

Joe Thariath, 3121 No. Rockton Avenue, stated he is a partner of the gas station at this address for 48 years. He further stated his business has survived quite well without liquor sales. He has not requested a liquor license because he feels it brings in a bad element. The Citco Station nearby has recently been closed by the Police. Mr. Thariath closes his business at 10:00. He feels a liquor license does not serve any purpose because of the proximity of Logli's across the street. He does not feel it is beneficial to the neighborhood, some of which are seniors who frequent his store. He is of the opinion that people will drink on the lot as they did at the Citco Station.

George Cain, Jr., 2213 Canary Drive spoke in support of the applicant, stating Logli's sells liquor, the Citco Station sells liquor, and he feels the Applicant is just trying to make a living.

Attorney Rob Torbert, representing the Applicant, came forward but did not present.

Attorney Cacciapaglia stated that the Alderman of the ward, Alderman Bill Timm, advised her this afternoon that he is opposed to this application and if the Board wished to approve he would request a Lay Over to next month.

Ms. Dibenedetto was not certain if it was the clientel or mismanagement of the Citgo station that created this problem.

A **MOTION** was made by Scott Sanders to **Deny** the item. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-2 with Alicia Neubauer and Craig Sockwell voting Nay.

11-LAB-003

Applicant
Ward 03

200 Prairie Street

Prairie Street Brewhouse LLC

Sale of liquor by the drink in conjunction with a banquet hall, the sale of package liquor, and the sale of liquor by the drink with an outdoor seating area and beer garden in a C-4, Urban Mixed-Use District

The applicant is requesting the sale of alcohol by the drink in conjunction with a banquet hall and the sale of liquor by the drink with an outdoor seating area and beer garden in a C-4, Urban Mixed-Use District. The subject property is located on the east side of Rock River and on the north side of Prairie Street. Shawn Kelley, Diane Koch, Christopher Manuel, owners and manager were present. Mr. Kelley reviewed the request for the sale of liquor. They have 60 events through 2013 booked, primarily receptions. Attorney Cacciapaglia stated they have met twice with the applicants and all questions have been answered. They are currently operating the banquet space and dock convenience store area only. Scott Sanders asked if staff was comfortable with the security plan. Attorney Cacciapaglia stated there would be no security required for wedding events, receptions, but if it were a D.J. event security would be required.

The staff recommendation was for approval with four conditions. Objectors were present.

Acting Chairman Roszkowski mentioned the sale of package liquor was absent from the statement of approval on the Staff Report. Mr. Cagnoni clarified that the sale of package liquor should have been part of the recommendation for approval. Mr. Roszkowski asked for clarification on packaged sales and Mr. Kelley stated it would only be at the convenience store, not at events.

David Taylor, 525 Indian Terrace, stated he feels it is a bad practice to sell packaged liquor to people operating boats on the river. He is not certain what is planned on the dock area. Will there be liquor sales outside or live bands outside? If there is a beer garden or live bands will this area be enclosed to protect the neighbors from noise pollution?

Mr. Kelly stated there is plenty of opportunities for people to purchase liquor to take on the boats. The issue isn't the sale of liquor, but the monitoring the boats. There are plans for live music every Thursday until 11:00 P.M. during the summer hours.

Attorney Cacciapaglia stated she would be more comfortable with a better security plan than that stated in conditions of approval. Mr. Olson stated he agreed with the Objector's concerns with packaged liquor being sold to boaters. Mr. Sanders stated he agrees there is an enforcement issue on the river, but liquor sales would not be solely for the driver of the boat but for the several passengers normally on each boat. He felt this was a uniquely residential area in that it is surrounded by the downtown area. Ms. Neubauer felt she would be inclined to approve the request in its entirety.

Attorney Cacciapaglia clarified that staff is agreeable to the applicant's request as submitted. Mr. Roszkowski felt the city is wanting to develop within this corridor which includes Madison Street, along the river.

A **MOTION** was made by Scott Sanders to **Approve** the item for the Sale of liquor by the drink in conjunction with a banquet hall, the sale of package liquor, and the sale of liquor by the drink with an outdoor seating area and beer garden, and packaged liquor sales in conjunction with marina and gas dock sale in a C-4, Urban Mixed-Use District. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-2 with Dan Roszkowski and Dennis Olson voting Nay. The approval is subject to the following conditions:

1. Must meet the liquor ordinance.
2. Outdoor music shall cease at 11:00 p.m. as indicated in Exhibit J.
3. Operate consistent with the submitted business plan and security plan.
4. Submittal of revised site plan including sidewalk for Riverwalk.
5. Private security will be employed for concerts, DJ events, and for other events where a cover is charged for entry into the establishment.

A **MOTION** was made by Alicia Neubauer to adjourn. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

With no further business to report, the meeting was adjourned at 7:02 p.m.

Sandra Hawthorne, Administrative Assistant
Liquor Advisory Board